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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,559	12/11/2003	Ted. F. Slupesky	BEA9-2003-0021-US1	8775

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EXAMINER	
LY, CHEYNE D	

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/733,559	SLUPESKY ET AL.	
	Examiner	Art Unit	
	CHEYNE D. LY	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 03, 2008 has been entered.

2. Applicants' arguments have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

3. Claims 1-14 and 16-20 are examined on the merits.

4. Applicant's arguments with respect to claims 1-14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-4, 9, 10, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 recites the limitation "said interpretable format" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 3 recites the limitation "said function" in line 2. There is insufficient antecedent basis for this limitation in the claim. The same issue is present in claims 4, 9, 10, 16, and 17.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen et al. (US 2005/0004942 A1) (Madsen hereafter) in view of Buehler et al. (US 2003/0028895 A1) (Buehler hereafter).

BASIS FOR PRIOR ART

12. In regard to claim 1, Madsen discloses a method of managing with a managed object, comprising:

a. Dynamically generating (page 2, [0020], e.g. automation tool) commands from a meta data description of said hardware device (page 3, [0052], e.g. each device data structure contains metadata concerning that device, page 2, [0020] to [0023], e.g. control many different types of hardware from multiple vendors...translated into different executables…new commands);

However, Madsen does not describe a list of commands and managing said managed object with an operator input command, including a GET command request data from said hardware device, a SET command to modify existing data of said hardware device, and an INVOKE command to create new data, wherein a single URL assigned to an attribute of said managed object is used for each of said operator commands; Interpreting said operator input command; Executing said function to manage configuration of said object in response to said interpretation of said operator input command; Displaying a response of said executed function to an operator.

b. Buehler describes a list of commands (pages 4-5, [0044] and [0045], e.g. dynamic creation of MIBs, and Figure 3A, e.g. MBean Client 14) and managing said managed object with an operator input command, including a GET command request data from said hardware device, a SET command to modify existing data of said hardware device, and an INVOKE command to create new data, wherein a single URL assigned to an attribute of said managed object is used for each of said operator commands (page 4, [0041]-[0042], e.g. getAttribute, setAttribute or invoke, MBeanN supports URL attributes and operations for HTTP, and Figure 3A MBean Client 14).

c. Interpreting said operator input command (page 4, [0041], e.g. user selects an icon representing the device…resulting in SNMP request to call a getAttribute, setAttribute or invoke for the device and [0043], e.g. perform attribute translation to provide the appropriate information to video network device);

d. Executing said function to manage configuration of said object in response to said interpretation of said operator input command (page 4, [0041], e.g. user selects an icon representing the device…resulting in SNMP request to call a getAttribute, setAttribute or invoke for the device and [0043], e.g. perform attribute translation to provide the appropriate information to video network device); and

e. Displaying a response of said executed function to an operator (page 5, [0044], e.g. an administrator monitoring a number of remote devices…with a MIB browser and [0048], e.g. allow an administrator to select from attributes available).

13. Buehler describes an improvement that provides flexibility in adding and updating disparate video devices on a video network to reduce the complexity of managing the different types of video network devices (page 1, [0009]). Madsen describes the system allows large numbers of network devices to be configured and controlled using flexible policies which are easily created by users of the system without writing any programming code or understanding the inner workings of parsers or compilers. Second, the system incorporates innovations that are designed to automatically incorporate new information about changes that hardware vendors make to their product lines, without requiring an update to the system code (pages 2-3, [0024]). Therefore, one of ordinary skill in the art

at the time of the invention would have been motivated by Madsen to allows large numbers of network video devices of Buehler to be configured and controlled using flexible policies which are easily created by users of the system without writing any programming code or understanding the inner workings of parsers or compilers.

14. In regard to claim 2, Madsen in view of Buehler translating a response received from said managed object into said interpretable format (Buehler, [0043], e.g. perform attribute translation to provide the appropriate information to video network device).

15. In regard to claim 3, Madsen in view of Buehler discloses meta data (Madsen, page 3, [0052], e.g. each device data structure contains metadata concerning that device, page 2, [0020] to [0023], e.g. control many different types of hardware from multiple vendors...translated into different executables…new commands) description for a function of said object includes a uniform resource locator to said function (Buehler, page 4, [0041]-[0042], e.g. getAttribute, setAttribute or invoke, MBeanN supports URL attributes and operations for HTTP, and Figure 3A MBean Client 14).

16. In regard to claim 4, Madsen in view of Buehler discloses the metadata describes one or more internal commands associated with said functions (Madsen, page 3, [0052], e.g. each device data structure contains metadata concerning that device, page 2, [0020] to [0023], e.g. control many different types of hardware from multiple vendors...translated into different executables…new commands).

17. In regard to claim 5, Madsen in view of Buehler discloses dynamically generating a list of commands from a meta data description includes building a data structure to inform an operator of a require format for communication with said managed object (Madsen, page

6, [0077], e.g. semantic actions include creating an in-memory tree representation of the configuration syntax).

2. In regard to claim 6, Madsen in view of Buehler discloses communicating with said managed object in real-time (Buehler, page 3, [0034], e.g. enables realtime access).

18. In regard to claim 7, Madsen in view of Buehler discloses the step of dynamically generating a list of commands from a meta data description for a function of said object includes an interface such as a graphical user interface (Buehler, page 1, [0012], e.g. a dynamically created MIB for use by a management application so that the management application manages disparate devices having disparate native protocols by using a common management interface protocol, and page 4, [0041], e.g. user selects an icon representing the device…resulting in SNMP request to call a getAttribute, setAttribute or invoke for the device and [0043], e.g. perform attribute translation to provide the appropriate information to video network device).

19. In regard to claims 8-14 and 16-20, Madsen in view of Buehler discloses the above cite method being implemented in a computer system and article comprising a computer-readable and recordable data storage medium (Figure 1).

CONCLUSION

20. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the

type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

21. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/
Primary Examiner, Art Unit 2168